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USSN: 10/674,902

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of: Igor D.D. CURCIO

Serial No.: 10/674,902

Art Unit: 2617

Filed: September 29, 2003

Examiner: Fred A. Casca

Docket Number: 915-010.006

For: STREAMING MEDIA

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW
ACCOMPANIED BY NOTICE OF APPEAL

Sir:

In response to the Final Action of August 21, 2008, Applicant requests review of the rejection prior to preparing an Appeal Brief for the following reasons:

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Marilyn O'Connell
Marilyn O'Connell

Dated: Nov. 21, 2008

REMARKS

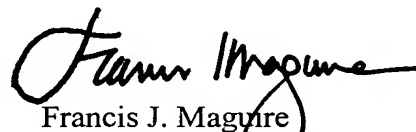
This Request for Review is filed with a Notice of Appeal with fee in response to the Final Action of August 21, 2008 in which claims 1-12 and 14-33 were finally rejected and 13 and 34-38 objected to.

Apostopoulos fails to disclose at least the features of 'detecting a cell reselection event in a mobile client device' and 'requesting a streaming server to send data that the mobile client device is not able to receive due to cell reselection'.

The Examiner has indicated that the text passages "detects that a mobile station enters the service region of a base station" and "handoff the media streaming session to the second base station" match said features of the claim, respectively. As noted earlier, *Apostopoulos* discusses network side functionality without actually specifying any particular network side element that performs the disclosed functionality. Anyway, the text passage picked by the Examiner does not disclose the claimed feature, where the cell reselection is detected in a mobile client device. As to the other passage picked by the Examiner, it is difficult to see how that can be mapped to the other features of the independent claims (even if combined with the new ground of rejection).

This is clear error. Reopening of prosecution and allowance is requested.

Respectfully submitted,



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